

Notice of Allowability

Application No.

10/725,215

Examiner

Gregg Cantelmo

Applicant(s)

YOSHIMOTO ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/19/07.
2. ☒ The allowed claim(s) is/are 1,2,4,6-10,31 and 32.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 6/6/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Gregg Cantelmo
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Cameron K. Weiffenbach on June 6, 2007.

The application has been amended as follows:

Cancel claim 30.

Allowable Subject Matter

2. Claims 1, 2, 4, 6-10 and 31-32 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 2 and 6: none of the prior art of record are considered to fairly teach, suggest or render obvious the invention claimed therein. The Examiner agrees with Applicant's remarks which generally stated that

Claim 1 has been amended to recite that the cover plate is located in the feeding manifold such that the upper surface of the plate is substantially flush with the surface of the separator, The claim has been further amended to add that a step is formed between the bottom of the channels and the bottom base face of the feeding manifold such that a distance between the undersurface of the cover plate and the bottom base of the feeding manifold is substantially equal to the depth of the channels. These features of the invention are not disclosed or suggested by JP 2001-043868 A.

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Furthermore none of the remaining prior art of record alone, or in combination, reasonably teach, suggest or render obvious the deficiencies of JP 2001-043868 A as applied to claims 1, 2 and 6. Therefore claims 1, 2 and 6 are allowed over the prior art of record for at least those reasons set forth above.

Regarding claims 4, 7-10 and 31-32: none of the prior art of record are considered to fairly teach, suggest or render obvious the invention claimed therein. The Examiner agrees with Applicant's remarks which stated:

"Claim 4 has been amended to recite first and second cover plates located in the feeding and discharge manifolds, respectively, such that the upper surfaces of the plates are substantially flush with the surface of the separator. Therefore, the upper part of the feeding manifold in the discharge manifold is flat. Therefore, when stacking with a catalyst electrode-solid polymer electrode membrane composite to form a fuel cell stack, the surface of the separator sandwiching the catalyst electrode-solid polymer electrode membrane composite becomes flat, resulting in stable production of a fuel cell stack and an improved yield. This feature on the invention is not disclosed or suggested by JP 2001-043868 A."

Furthermore none of the remaining prior art of record alone, or in combination, reasonably teach, suggest or render obvious the deficiencies of JP 2001-043868 A as applied to claims 4, 7-10 and 31-32. Therefore claims 4, 7-10 and 31-32 are allowed over the prior art of record for at least those reasons set forth above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregg Cantelmo whose telephone number is 571-272-1283. The examiner can normally be reached on Monday to Thursday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


gc
June 6, 2007

Gregg Cantelmo
Primary Examiner
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